

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Damio B. Andrews,)	Civil Action No. 8:20-2633-BHH
)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
South Carolina Department of Corrections,)	
)	
Respondent.)	
)	

On July 16, 2020, Petitioner Damio B. Andrews (“Petitioner”) filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the matter was referred to a United States Magistrate Judge for review.

The Magistrate Judge issued a Report and Recommendation (“Report”), outlining the issues and recommending that the § 2241 Petition filed in this case be transferred to the United States District Court for the Eastern District of North Carolina. (ECF No. 5.) On August 10, 2020, Petitioner filed a reply stating that he accepts the recommendation for the transfer of his § 2241 petition to the United States District Court for the Eastern District of North Carolina. (ECF No. 8.)

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the

Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, Petitioner has filed a reply agreeing to the transfer of jurisdiction, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no error. Accordingly, the Court adopts and incorporates the Report and Recommendation (ECF No. 5) by reference into this Order.

It is therefore ORDERED that this case be transferred to the United States District Court for the Eastern District of North Carolina.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

August 13, 2020
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.